

**Joint Statement**  
**on occasion of**  
**the final plenary meeting**  
**concluding international talks on the preparation**  
**of the**  
**Foundation**  
**"Remembrance, Responsibility and the Future"**

The Governments of the Republic of Belarus, the Czech Republic, the State of Israel, the Republic of Poland, the Russian Federation and Ukraine,

The Governments of the Federal Republic of Germany and the United States of America,

The German companies that founded the initiative to establish a foundation, which have since been joined by thousands of other German companies, and

As further participants, the Conference on Jewish Material Claims Against Germany, Inc. and the undersigned attorneys,

Recalling the proposal presented to the Chancellor of the Federal Republic of Germany by German companies on February 16, 1999, to send, as the century draws to a close, "a conclusive humanitarian signal, out of a sense of moral re-sponsibility, solidarity and self-respect,"

Acknowledging the intention of both the Government of the Federal Republic of Germany and German companies to accept moral and historical responsibility arising from the use of slave and forced laborers, from property damage suffered as a consequence of racial persecution and from other injustices of the National Socialist era and World War II,

Recalling with appreciation the December 17, 1999, statement of the President of the Federal Republic of Germany paying tribute to those who were subjected to slave and forced labor under German rule, recognizing their suffering and the injustices done to them, and begging forgiveness in the name of the German people,

Affirming the consensus reached by all participants on December 17, 1999, at the 7th plenary meeting in Berlin on the establishment of the Foundation "Re-membrance, Responsibility and the Future,"

Understanding that the Foundation is a sign of solidarity with the victims living in Central and Eastern European states and also a means of providing funds for victims from Central and Eastern Europe, most of whom benefited little from prior German compensation and restitution programs,

Understanding that insofar as the sum of 10 billion DM to be made available by the German public sector and the German companies for the Foundation "Re-membrance, Responsibility and the Future" is concerned, that sum is both a ceiling and the final amount and that all payments made towards former National Socialist slave and forced laborers, for other personal injury, for damage to property and for the Future Fund envisaged as part of the Foundation, as well as other costs incurred in connection with the Foundation, shall be financed from this sum, from any contributions from others, and the interest thereon,

Understanding that additional contributions by others for use by the Foundation are welcomed,

Recognizing that the Foundation will provide dignified payments to hundreds of thousands of survivors and to others who suffered from wrongs during the National Socialist era and World War II,

Accepting the common objective that German companies (including parents and subsidiaries as defined in Annex A) receive all embracing and enduring legal peace,

Recognizing that it would be in the participants' interests for the Foundation to be the exclusive remedy and forum for the resolution of all claims that have been or may be asserted against German companies arising out of the National Socialist era and World War II,

Recognizing that the establishment of the Foundation does not create a basis for claims against the Federal Republic of Germany or its nationals,

Declare as follows:

1. All participants welcome and support the Foundation "Remembrance, Responsibility and the Future" and declare their agreement with its elements, including the annexed distribution plan (Annex B). The interests of the former forced laborers, other victims and heirs have been duly taken into account. Based on the circumstances, all participants consider the overall result and the distribution of the Foundation funds to be fair to the victims and their heirs. The Foundation opens up the prospect of payment being made, even if, 55 years after the end of the war, the wrongdoer can no longer be traced or is no longer in existence. The Foundation is also a means of providing funds for forced laborers in addition to payments made by Germany so far.

2. Given the advanced age of the victims concerned, the primary humanitarian objective of the Foundation "Remembrance, Responsibility and the Future" is to show results as soon as possible. All participants will work together with the Foundation in a co-operative, fair and non-bureaucratic manner to ensure that the payments reach the victims quickly.

3. Payments are to be made to applicants on behalf of the Foundation "Remembrance, Responsibility and the Future" irrespective of their race, religion and nationality. Insofar as the participants themselves distribute funds, they will base their decisions on the criteria of eligibility set out in the German law establishing the Foundation and will act justly in this regard.

4. The participating Governments and other participants will proceed as follows:

a) The Government of the Federal Republic of Germany ("Germany") and the German companies shall each contribute DM 5 billion to the Foundation "Remembrance, Responsibility and the Future."

b) Germany and the Government of the United States of America ("United States") will sign an Executive Agreement. Such agreement contains the obligation undertaken by the United States to assist in achieving all-embracing and enduring legal peace for German companies.

c) The Governments of the participating Central and Eastern European States and Israel will implement the necessary specific measures within the framework of their national legal systems to achieve all-embracing and enduring legal peace.

d) Assuming the request for a transfer referred to in paragraph (e) is granted, the DM 5 billion contribution of German companies shall be due and payable to the Foundation and payments from the Foundation shall begin once all lawsuits against German companies arising out of the National Socialist era and World War II pending in U.S. courts including those listed in Annex C and D are finally dismissed with prejudice by the courts. The initial portion of the DM 5 billion German Government contribution will be made available to the Foundation by October 31, 2000. The remainder of the German Government contribution will be made available to the Federal Foundation by December 31, 2000. Contributions from the German Government will begin earning interest for the benefit of the Foundation immediately

upon being made available to the Foundation. The German Government may advance some of its contribution to the partner organizations for certain start-up costs before the lawsuits are finally dismissed. The German companies will make available reasonable advanced funding to provide appropriate publicity of the upcoming availability of Foundation benefits. German company funds will continue to be collected on a schedule and in a manner that will ensure that the interest earned thereon before and after their delivery to the Foundation will reach at least 100 million DM.

e) Counsel for German company defendants and counsel for plaintiffs (each seeking to assemble at least a substantial majority of defendants' and plaintiffs' counsel respectively) have filed requests with the Multidistrict Litigation Panel seeking a transfer under appropriate conditions to a mutually agreeable federal judge of the federal district court cases listed in Annexes C and D, for the purpose of implementing the other steps in this Joint Statement and in order to facilitate carrying out the objectives of the Executive Agreement by dismissing with prejudice the transferred cases and any later filed cases thereafter to be transferred as "tag-along" cases.

f) Germany will immediately establish a preparatory committee for the Foundation. The preparatory committee, after consulting with victims' representatives, will provide the publicity envisaged in paragraph (d) prior to the formal establishment of the Foundation, and, in consultation with partner organizations, prepare for the collection of applications for payment by the partner organizations.

g) The counsel for the plaintiffs will file motions or stipulations to dismiss with prejudice all lawsuits they have filed currently pending in U.S. courts against German companies arising out of the National Socialist era and World War II, including those listed in Annex C. They will also cooperate in seeking dismissal with prejudice by the courts of all other such lawsuits, including those listed in Annex D.

h) Germany and the United States will bring into force the Executive Agreement and the United States will thereupon file the Statement of Interest as provided therein.

i) The German Government will encourage German companies to open their archives relating to the National Socialist era and World War II.

Done at Berlin on the seventeenth day of July of the year Two Thousand in a single original, copies of which will be made available to interested parties.

For the Government of the Republic of Belarus

For the Government of the Czech Republic

For the Government of the State of Israel

For the Government of the Republic of Poland

For the Government of the Russian Federation

For the Government of Ukraine

For the Government of the United States of America

For the Government of the Federal Republic of Germany

For the Foundation Initiative of German Enterprises

For the Conference on Jewish Material Claims Against Germany, Inc.

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